

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**FEBRUARY 5, 2004**

The Tobacco Control Board met on Thursday, February 5, 2004, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 7 - board members present (Dr. Neal Beaton, Mr. Mark Carter, Mr. John Hauge, Dr. Cliff Johnson, Mr. Ken Milburn, Jr., Mr. Ron Rivers, and Mr. Gene McKissic, with Mr. Rivers and Mr. McKissic arriving after the meeting began, and 1 - board member absent - Mr. Vince Macy.

The Chairman opened the meeting with a "Welcome" to those attending. He introduced Mr. Charlie Moulton, serving as Hearing Officer, and Amanda Poe, as Court Reporter. Since two board members would be arriving shortly, he continued the meeting by asking for approval of the January 8, 2004, board meeting minutes. A motion was made and approved to that effect with 5 - Yes votes and 3 - Members absent.

Mr. Charlie Davis, the Director, continued by presenting the "New Retail Permit Report" to the Board. He asked for a blanket approval of the "New Retail Permit Applications issued from January 8, 2004, through February 4, 2004". A motion was made and approved to accept the "New Retail Permit applications issued from January 8, 2004, through February 4, 2004, with 6- Yes votes and 2 - Members absent.

The Director then presented a wholesale permit application as follows:

Gillett Marketing & Distribution, Inc.      Little Rock, Arkansas

1 - Wholesale Cigarette Permit

1 - Wholesale Sales Representative Permit

PAGE 2

The application was complete except for the 30-day waiting period, which ended the next day on February 6, 2004. He recommended the application for approval and the last day be waived of the 30-day waiting period.

A motion was made to issue a permit pending completion of the 30-day waiting period without a challenge or complaint being filed with 6 – Yes votes and 2 – Members absent.

Mr. Arnie Jochums, Attorney for the Board, was asked to give his “Court Update”, which was followed by discussion regarding a motion that was made at the January 8, 2004, board meeting. The motion was made and approved to request a legal opinion on buy downs from the Attorney General’s Office.

During discussion the point was made that this issue was already addressed in the law under DEFINITIONS §4-75-702 and again in §4-75-709 COMBINATION SALES, which was over looked at the previous meeting. The Board agreed there was not a need to request the opinion any longer. A motion was made and approved to rescind the motion made during the January 8, 2004, meeting to request a legal opinion on promotional buy downs from the Attorney General’s Office with 7 – Yes votes and 1 – Member absent.

Mr. Milburn then called on Mr. Moulton to continue with the Disciplinary Hearings coming before the Board. He called the following cases before the Board for consideration:

Mr. Roland Darrow, Attorney for the Board’s Sales to Minors Division, presented a Default Judgment List dated February 5, 2004. After a roll call of the list and no response, a motion was made to find the people in default and issue recommended fines, except Sales to Minors cases be issued the maximum fines with 7 – Yes votes and 1 – Member absent.

**CASE #2004-0731**

**Cranford's Redfield**

**Redfield, Arkansas**

**Larry W. Cranford, Permittee**

**VIOLATION: Sale to Minor – 2<sup>nd</sup> Offense, §5-27-227(a)(1) \$200 fine and 1-day Suspension of Permit.**

The store location was represented by Mr. Terry Baldy, the Retail Operations Manager.

After hearing testimony and board member discussion, a motion was made and approved to find them in violation of §5-27-227(a)(1), suspend the 1-day suspension of permit, and assess the \$200.00 fine with 6 – Yes votes, 1 – Abstention, and 1 – Member absent.

**CASE #2004-0728**

**Doughbelly's Convenience Store**

**Bentonville, Arkansas**

**James Koenigseder, Permittee**

**VIOLATION: Sale to Minor, 2<sup>nd</sup> Offense, §5-27-227(a)(1) \$200 fine and 1-Day Suspension of Permit**

The store location was represented by Mr. James Koenigseder, the owner.

After hearing testimony and consideration by the Board a motion was made to find them in violation of §5-27-227(a)(1), assess a \$200.00 fine, and suspend the 1-day suspension of permit with 7 – Yes votes and 1 – Member absent.

This concluded the Disciplinary Hearing segment of the meeting.

PAGE 4

Next Mr. Davis reviewed and asked for a blanket approval of the “Notice of Hearing and Offers of Settlement accepted by the permittee from January 8, 2004, through February 4, 2004”. A motion was made and approved to accept the “Notice of Hearing and Offers of Settlement accepted by the Permittee from January 8, 2004, through February 4, 2004”, as recommended by the Director, with 7 – Yes votes and 1- Member absent.

The Chairman asked the Director to continue with his “Address to the Board”. He reviewed the January 2004 Complaints Reports.

He called upon Mr. Greg Sled, Enforcement Agent Supervisor, to review the activity of the enforcement agents.

Mr. Davis announced the office would be closed on Monday, February 16, 2004, for the President’s Day holiday.

Mr. Milburn then opened the floor to “Board Member Discussion”, which included whether to hold the March 4, 2004, meeting or post pone it, as three members would be absent on that date. A motion was made to post pone the March board meeting and move it to April 1, 2004.” The Board also discussed and agreed on a meeting date of Tuesday, March 23, 2004, for a Rules and Regulations Committee Meeting.

“Comments from the Audience” followed.

Announcements included the next meeting date of April 1, 2004.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by \_\_\_\_\_  
Janis L. Campbell

March 2, 2004

